

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DWIGHT HUNTER,

Plaintiff,

v.

CITY OF BELLEVUE, WASHINGTON, a
municipal corporation; and JOHN DOE
Supervisors and Officials,

Defendants.

No. C04-664L

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND AND
REMANDING TO STATE COURT

This matter comes before the Court on plaintiff's "Motion to Amend Plaintiff's Complaint for Damages and Injunctive Relief and Motion for Remand to King County Superior Court" ("Motion"). Plaintiff is suing defendant on various theories of discrimination, infliction of emotional distress, and negligence stemming from plaintiff's employment with the Bellevue Police Department. Plaintiff's initial complaint alleged multiple counts under Washington law and one claim under 42 U.S.C. § 1981. Defendant removed the action to this Court.

Plaintiff now moves to amend his complaint to dismiss the lone federal claim and remand to state court. Motion at 4. Defendant makes no objection to plaintiff's motion to dismiss and remand. See Response at 2. However, defendant does request that plaintiff's § 1981 claim be

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1 dismissed with prejudice. Plaintiff opposes a dismissal with prejudice.

2 Plaintiff has represented that he wishes to pursue causes of action only in state court.
 3 Motion at 4 (“Plaintiff wishes to proceed under state law only and dismisses his federal
 4 claims.”). Nevertheless, plaintiff wants to preserve his federal claim, presumably in order to
 5 assert the claim in the future should he not obtain a favorable outcome on his state claims.¹ Fed.
 6 R. Civ. P. 1 states that the Rules “shall be construed and administered to secure the just, speedy,
 7 and inexpensive determination of every action.” It would be inefficient and unjust to subject
 8 defendant to duplicative, sequential suits in state and federal court concerning the same
 9 operative facts. If plaintiff ever intends to bring a § 1981 claim, now is the time and this Court,
 10 being the choice of defendant, would be the proper forum.

11 Having made it clear that he wishes only to pursue state causes of action, plaintiff’s
 12 § 1981 claim shall be dismissed with prejudice.

13 For the foregoing reasons, it is ORDERED that:

- 14 1. Plaintiff’s Motion to Amend is GRANTED.
- 15 2. Plaintiff’s claim under 42 U.S.C. § 1981 is DISMISSED WITH PREJUDICE.
- 16 3. Plaintiff’s Motion to Remand is GRANTED. The Clerk of the Court is directed to
 17 transmit the file regarding C04-664L to King County Superior Court.

18 DATED this 8th day of April, 2005.

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21 Robert S. Lasnik
 22 United States District Judge

23
 24 ¹ Notwithstanding plaintiff’s claim that “there is no likelihood of the Federal claims ever
 25 resurfacing,” Reply at 2, the only reason to object to a dismissal with prejudice is to hold open the
 26 possibility of a later suit.